

REMARKS

Claims 1-5 and 7-20 are currently pending in the subject application and are presently under consideration. Applicant's representative thanks Examiner Zia for the courtesies extended to Jay Ryan in a telephone interview of October 19, 2006. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-5 and 7-20 Under 35 U.S.C. §102(e)

Claims 1-5 and 7-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Gupta (US 6,990,492). The rejection of claims 1-5 and 7-20 should be withdrawn for at least the following reasons. Gupta does not disclose or suggest each and every element as recited in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Applicant's invention as claimed relates to regulating access of an application to a computer platform by way of applying and analyzing trust levels associated with the application and modules called by the application. To that end, claim 1 (and similarly independent claims 10 and 12) recites *a component that compares an applied trust level of an application with a trust level of a module called by the application and regulates access of the application to a distributed computing platform based at least in part upon the comparison*. The subject invention provides an access regulation system that is provably trustworthy, that can provide greater flexibility than a typical "binary" access/no-access response associated with conventional systems. The subject system analyzes and interacts with components in a computing environment, so as to provide multiple trust levels for applications, and prevent a trusted application from being compromised by controlling access to the application from distributed platforms or a library, *etc.* Gupta does not disclose or suggest the claimed aspects.

Gupta relates to a security administration system for controlling *user access to data objects*. The Final Action cites the lengthy passages of Gupta from col. 9, line 65 through col.

11, line 23, and col. 7, line 64 through col. 8, line 36. Contrary to assertions in the Final Action, Gupta does not disclose or suggest at these paragraphs, let alone anywhere else, applicants' claimed invention. The cited sections merely disclose methods of controlling access to information on a computer system in which the system receives an access request from a user for information about a data object. The system finds the relationship between the user and object and determines security classification for the relationship. It is abundantly clear that the entire disclosure of Gupta is drawn to a security system for merely granting or denying a user access to data. The Final Action cites these features, further contending that "the system of Gupta teaches controlling access, and provides an access regulation system that can analyze and interact with a computing environment," concluding that this somehow discloses independent claims 1, 10, and 12. However, there is nothing disclosed or suggested in Gupta that could be construed as granting or denying access to ***an application***, and thus there can be no indication of providing multiple levels of trust for various applications. Therefore, contrary to assertions made in the Final Action, it remains readily apparent that Gupta fails to disclose or suggest *a component that compares an applied trust level of an application with a trust level of a module called by the application and regulates access of the application to a distributed computing platform based at least in part upon the comparison*. For at least this reason, the cited document fails to disclose or suggest ***every aspect*** of the claimed invention.

In view of the foregoing, it is readily apparent that Gupta does not disclose or suggest the invention as recited in claims 1, 10, and 12 (and claims 2-5, 7-9, 11, and 13-20 which respectfully depend therefrom). Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP150US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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